

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

In the Matter of

Lifeline and Link Up Reform and  
Modernization

WC Docket No. 11-42

**PETITION OF THE  
CALIFORNIA PUBLIC UTILITIES COMMISSION  
FOR TEMPORARY WAIVER**

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## **I. INTRODUCTION**

Pursuant to Section 1.3<sup>1</sup> of the Federal Communications Commission's (Commission) rules, the California Public Utilities Commission (CPUC or California) requests a temporary waiver of the Commission's Lifeline recertification and non-usage rules for subscribers affected by the recent wildfire in Butte County, California. This petition requests a six-month suspension from November 1, 2018 to May 1, 2019 for all Lifeline subscribers with residential addresses in Butte County, California.

## **II. DISCUSSION**

On November 8, 2018, a wildfire broke out in Butte County, California (also known as the Camp Fire), quickly engulfing and destroying thousands of homes and land. Acting Governor of California Gavin Newsom immediately declared a state of emergency for Butte County, and the Federal Emergency Management Agency (FEMA) approved a fire management grant to assist with the mitigation and control of the wildfire.<sup>2</sup> Butte County Sheriff Kory Honea said the Camp Fire “was worse than the worst case scenario that . . . anyone contemplated.”<sup>3</sup> The Camp Fire is the deadliest and

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<sup>1</sup> See 47 C.F.R. § 1.3 – “The provisions of this chapter may be suspended, revoked, amended, or waived for good cause shown, in whole or in part, at any time by the Commission, subject to the provisions of the Administrative Procedure Act and the provisions of this chapter. Any provision of the rules may be waived by the Commission on its own motion or on petition if good cause therefor is shown.”

<sup>2</sup> See <https://www.gov.ca.gov/2018/11/08/acting-governor-newsom-declares-state-of-emergency-in-butte-county-due-to-camp-fire/>.

<sup>3</sup> See Cal OES News Podcast Episode 56: Butte County Sheriff Kory Honea Talks Candidly About the Camp Fire, <http://www.oesnews.com/podcast-episode-56-butte-county-sheriff-kory-honea-talks-candidly-about-the-camp-fire/>.

most destructive wildfire in California history, burning approximately 15% of the County.<sup>4</sup>

According to the California Department of Forestry and Fire Protection (CAL FIRE), the Camp Fire killed 88 people, resulted in 85 missing persons, burned 153,336 acres, and destroyed/damaged 14,434 residences and 4,923 commercial structures.<sup>5</sup> Emergency responders evacuated approximately 52,000 people from the fire ravaged areas.<sup>6</sup> The large number of evacuees attempting to flee the fast-moving blaze resulted in bumper to bumper traffic, with residents abandoning their cars on the road to get to safety sooner, or succumbing to the fires while trapped in or near their vehicles.<sup>7</sup> Officer Mark Bass, a resident of Paradise said, “[w]e were surrounded by fire. We were driving through fire on each side of the road. It was just a wall of fire on each side of us, and we could hardly see the road in front of us.”<sup>8</sup>

As of December 3, 2018, some areas in Butte County were still under evacuation orders from the Camp Fire. Schools were closed for almost a month. Classes resumed recently with students having to take classes either online or at different locations due to

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<sup>4</sup> See <https://www.kqed.org/news/11705243/california-wildfires-what-you-need-to-know>.

<sup>5</sup> See [http://cdfdata.fire.ca.gov/admin8327985/cdf/images/incidentfile2277\\_4326.pdf](http://cdfdata.fire.ca.gov/admin8327985/cdf/images/incidentfile2277_4326.pdf) (as of November 25, 2018) and <https://www.kqed.org/news/11708968/butte-sheriff-expresses-hope-all-camp-fire-victims-have-been-located>.

<sup>6</sup> *Id.*

<sup>7</sup> See <https://www.kqed.org/news/11704917/rapidly-growing-butte-county-fire-forces-evacuations-grows-to-5000-acres> and <https://www.kqed.org/news/11705174/butte-county-fire-nearly-quadruples-in-size-overnight>.

<sup>8</sup> See <https://www.kqed.org/news/11705174/butte-county-fire-nearly-quadruples-in-size-overnight>.

severe damage and destruction to their school buildings.<sup>9</sup> Additionally, Butte County Public Health Advisory (Health Advisory) issued a health warning to its residents that exposure to debris, structural ash, and hazardous substances (heavy metals, lead, mercury, dioxin, arsenic, and other carcinogens) may lead to acute and chronic health effects.<sup>10</sup>

The Camp Fire has displaced tens of thousands of residents from their homes, exacerbating Butte County's housing crisis.<sup>11</sup> More than a third of Butte County's residents are low-income and will not have adequate resources to rebuild or find alternative housing.<sup>12</sup> Many fire victims will become homeless or be forced to move out of the county or to another state. It will take years for the residents to rebuild their lives and communities.<sup>13</sup>

The Camp Fire also knocked down many commercial power lines and severely damaged communications infrastructure.<sup>14</sup> On November 9, 2018, the Butte County website and network stopped functioning, and some County phone numbers were

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<sup>9</sup> See <https://www.kqed.org/news/11709831/thousands-of-butte-county-students-return-to-school>.

<sup>10</sup> See <http://www.helpcentral.org/camp-fire-information/>.

<sup>11</sup> See <https://www.kqed.org/news/11706501/camp-fire-worsens-housing-crises-in-butte-county> and <https://www.kqed.org/news/11707224/shunning-shelters-evacuees-find-freedom-but-no-comfort-in-walmart-tent-encampment>.

<sup>12</sup> See <https://www.kqed.org/news/11706264/study-people-of-color-and-low-income-residents-most-vulnerable-to-wildfire-impacts>.

<sup>13</sup> See <https://www.newsweek.com/california-camp-fire-rebuilding-devastated-communities-will-be-years-making-1217232>.

<sup>14</sup> Because the FCC treats as confidential the data in the Network Outage Reporting System, we cannot disclose additional information about the effect of outages on the communications infrastructure.

inoperable.<sup>15</sup> There have been widespread power outages and losses of communications services in the county. According to the Health Hazard Advisory,<sup>16</sup> there are areas with no power, no phone or cell service, and no ability to call 911. Pacific Gas & Electric shut off gas service to about 12,000 homes and businesses in and around the city of Paradise.<sup>17</sup> As of December 4, 2018, thousands were still without power.<sup>18</sup>

For these reasons, the CPUC seeks relief from the Commission's Lifeline rules to assist the residents in Butte County. According to the California LifeLine Administrator's records, approximately 12,686 California LifeLine participants<sup>19</sup> reside in Butte County, California. The CPUC seeks waiver from the Commission's Lifeline recertification and non-usage rules for all Lifeline subscribers in Butte County. In addition, the CPUC also seeks waiver for any new subscribers that enroll into the Lifeline Program during the waiver period. According to 2016 American Community Survey, approximately 31 percent of households in Butte County have incomes less than or equal to 150 percent of the Federal Poverty Level<sup>20</sup> and would therefore be eligible for discounted phone service. The CPUC requests that the waiver be extended to any new enrollees that subscribe to Lifeline service during the waiver period.

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<sup>15</sup> See Butte County, CA (@CountyofButte) Twitter account.

<sup>16</sup> See Nov. 21, 2018 Butte County Public Health Advisory, <http://www.helpcentral.org/camp-fire-information>.

<sup>17</sup> See <http://www.pgecurrents.com/2018/12/04/pge-announces-plan-to-restore-services-to-butte-county-customers-after-camp-fire/>.

<sup>18</sup> *Id.*

<sup>19</sup> Of 12,686 Lifeline participants, 9479 subscribe to wireless and 3207 subscribe to wireline services.

<sup>20</sup> Data provided by Department of Finance Demographic Research Unit.

**A. Lifeline Non-Usage Rules**

The CPUC requests a six-month suspension of the Commission's non-usage rules set forth in 47 C.F.R. §§ 54.405(e)(3) and 54.407(c)(2). The rules require subscribers to use their phone service for 30 consecutive days, or otherwise risk being de-enrolled from the program. The lack of power and disruption in telecommunications services may have prevented subscribers in Butte County from being able to use their phones. Some subscribers may have left their cellphones behind as they fled their homes for safety. A temporary waiver of these rules will provide them with time to replace any destroyed or damaged phone devices and to restore their phone service without being removed from the federal Lifeline or California LifeLine Programs. The CPUC commits to promptly reinstituting the non-usage rules after the end of the waiver period.

**B. Lifeline Recertification Rules**

The CPUC also requests a six-month suspension of the Commission's recertification rules set forth in 47 C.F.R. §§ 54.405(e)(4) and 54.410(f). These rules require Lifeline subscribers to recertify their eligibility every twelve months to continue receiving Lifeline support. The California LifeLine Program primarily uses the U.S. Postal delivery system to send recertification forms to Lifeline subscribers. With thousands of homes destroyed by the wildfire and thousands of residents displaced from their homes, it will be difficult to send the recertification forms through the mail. Accordingly, the CPUC requests a temporary relief from the annual recertification requirement for subscribers whose anniversary dates fall between November 1, 2018 and May 1, 2019 and are in the following categories:

1. Subscribers that have already begun the renewal process;
2. Subscribers that have not yet begun the renewal process; and
3. Subscribers that have received a denial decision for non-response. Since the fires may have destroyed the renewal forms, these subscribers will be provided another opportunity to renew their eligibility after the waiver ends.

For these participating subscribers, the service anniversary date will be adjusted to August 14, 2019 because the California LifeLine Program's renewal process starts 105 days before the service anniversary date. Since the CPUC plans to resume the renewal process on May 1, 2019, adjusting the service anniversary date to August 14, 2019 would meet the CPUC's 105-day start date for renewals.

The CPUC's waiver request would not apply to subscribers in the following categories:

1. Subscribers that have already received a renewal approval decision from the California LifeLine Administrator; and
2. Subscribers that have started the renewal process, have been approved, and are awaiting a letter of approval from the California LifeLine Administrator.

A temporary suspension of the recertification rules will provide the affected fire victims with additional time to rebuild their lives and continued access to telecommunications services. The CPUC commits to resuming the annual recertification process after the expiration of the waiver period.

### **III. CONCLUSION**

For the foregoing reasons, the CPUC requests a temporary waiver of the Commission's Lifeline non-usage and recertification rules for subscribers residing in

Butte County, California that have been affected by the Camp Fire. Good cause has been demonstrated above to warrant granting of this waiver petition.

Respectfully submitted,

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